

Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COSMOS GRANITE (WEST), LLC, a
Washington limited liability company,

Plaintiff,

v.

MINAGREX CORPORATION, d/b/a MGX
Stone,

Defendant.

Case No. 2:19-cv-01697-RSM

**STIPULATED MOTION TO SEAL
EXHIBIT 37 ATTACHED TO THE
DECLARATION OF RACHEL S.
BLACK IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

**Noted on Motion Calendar:
September 7, 2021**

Pursuant to Local Civil Rule 5(g), Plaintiff, Cosmos Granite (West), LLC ("Cosmos") and Defendant, Minagrex Corporation d/b/a/ MGX Stone ("Minagrex") jointly request that the Court enter an order to Seal/Redact Exhibit 37 to the Declaration of Rachel S. Black in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment ("Black Decl."). Plaintiff contends that Exhibit 37 contains confidential information pursuant to the Protective Order entered in this case. Defendant takes no position concerning the confidentiality of Exhibit 37.

Plaintiff's position is that the designation of Exhibit 37 as sealed should be maintained to protect the legitimate privacy interests of Plaintiff in accordance with the Protective Order issued in this case. *See* Dkt. #16. Exhibit 37 contains confidential, proprietary, and private information that Plaintiff designated as Confidential pursuant to and consistent with the Protective Order entered in this case, because it contains previously nondisclosed and confidential sales information

STIPULATED MOTION TO SEAL EXHIBIT 37 FILED
IN SUPPORT OF COSMOS' OPPOSITION - 1
Case No. 2:19-cv-01697-RSM

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concerning one of Plaintiff's customer, to which Plaintiff believes it owes a duty of confidentiality. Plaintiff has a legitimate business interest in keeping such information private, and thus requires that this document be filed under seal pursuant to Paragraphs 2.1(c), (d), and (g) of the Protective Order. Dkt. #16.

After review of the referenced Exhibit, ¶4.4 of the Stipulated Protective Order and Local Rule 5(g), Minagrex and Plaintiff both believe that a less restrictive alternative is not sufficient to protect the confidential information referenced above because redaction of the same would substantively frustrate the purpose of its admission.

Dated: September 7, 2021

By: /s/ Rachel S. Black

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Dated: September 7, 2021

By: /s/ Betsy A. Gillaspy (w/perm.)

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STIPULATED MOTION TO SEAL EXHIBIT 37 FILED
IN SUPPORT OF COSMOS' OPPOSITION - 2
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CERTIFICATE OF CONFERENCE

Counsel for Plaintiff conferred with counsel for Defendant in a telephonic meet and confer on September 3, 2021 (Chelsea Samuels and Walker Young participated), and counsel agreed that, per Minagrex's and Plaintiff's representations concerning the confidentiality of the documents at issue, a Stipulated Motion Seal was proper to protect the confidential information, and that there was no alternative to filing under seal.

/s/ Rachel S. Black

Rachel S. Black

ORDER

Based upon the foregoing and for good cause shown, the Court ORDERS that the Stipulated Motion to Seal is GRANTED.

DATED this 16th day of September, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE